

REMARKS

This communication is in response to the Office Action issued on April 1, 2009. The Applicants have amended claims 1, 2, 4, 5, 6, 8, 9, 10, 14, 15, and 16. No new matter has been added.

In the April 1, 2009 Office Action, the Examiner objected to claims 1, 5, 15 and 16 because the meaning of the limitations “a secondary index for” and “guess database address value” were unclear to her. By way of amendment, the Applicants have replaced the limitation “a secondary index for” with the limitation “a secondary B+tree for indexing a primary B+tree.” The meaning of this limitation is believed to be clear. With respect to the limitation “guess database address value,” the Applicants have replaced this limitation with the limitation “guess database address.” As recited in each of claims 1, 5, 15 and 16, a guess database address is an address that is a guess as to what address block a row may be found in a primary B+tree. In view of the aforementioned amendments, the Applicants believe that the objection to claims 1, 5, 15, and 16 have been overcome and withdrawal of the objection to claims 1, 5, 15, and 16 is respectfully requested.

The Office Action of April 1, 2009 also objected to claim 4. The objection was made because the meaning of the term “quess” was unclear. The recitation of this term occurred in error. The term “quess” has been deleted and replaced with the term “guess.” The objection to claim 4 is believed to be overcome by the amendment made to claim 4. Accordingly, withdrawal of the objection to claim 4 is respectfully requested.

The Examiner rejected claims 1, 2 4-14 and 17-18 under 35 U.S.C. 101 as being directed to non-statutory subject matter. Specifically, the Examiner states that the claims are method claims that claim purely mental steps. The Applicants traverse this rejection of these claims. As an initial matter, claims 1, 2 and 4 are system claims that recite a structure (i.e., a secondary B+tree) along with the use of the structure. Claims 5-14, 17 and 18 are now computer-implemented method claims that recite the limitation “retrieving data stored in the database system using the secondary B+tree.”

The retrieval of data from a database by a computer is not a mental step. The rejection of claims 5-14, 17 and 18 is believed to be overcome by the amendment made claim 5. Accordingly, withdrawal of the objection to claim 4 is respectfully requested.

The Examiner rejected claims 1-2, 5-9, and 14-16 under 35 U.S.C. 103(a) as being unpatentable over Liu et al. (U.S. Patent No. 6,266,660) in view of Nagavamsi et al. (U.S. Patent No. 6,631,366). The Examiner failed to address claims 17 and 18. The Applicants will assume for purposes of this response that claims 17 and 18 are also rejected by Liu in view of Nagavamsi.

Niether Liu nor Nagavamsi discloses the limitation “a secondary B+tree for indexing a primary B+tree where the secondary B+tree comprises a plurality of rows each comprising ... a guess-database address that is a guess as to what address block of the primary B+tree a row may be found.” There is no disclosure in Liu of any such “guess database address.” The portion of Liu identified by the Examiner discloses a secondary index record and a primary key value. However, there is no teaching or suggestion that the secondary key value is a guess database address, which is a guess as to an address block of the primary B+tree. Moreover, the Examiner acknowledged that Liu failed to teach or suggest this limitation by previously allowing the independent claims when this limitation was added to the independent claims. Nagavamsi fails to cure the deficiencies of Liu. Accordingly, the combination of the Liu and Nagavamsi fails to teach or suggest the invention of claims 1, 5, 15 and 16.

Each of the claims depending from claims 1, 5, 15 and 16 respectively are also not taught or suggested for at least the reasons set forth with respect to claims 1, 5, 15 and 16.

Each of the claims now pending in this application is believed to be in condition for allowance. Accordingly, favorable reconsideration of this case and early issuance of the Notice of Allowance are respectfully requested.

Additional Fees

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with this application to Deposit Account No. 50-4545 (5231-044-US01CON1).

Conclusion

In view of the foregoing, all of the Examiner's rejections to the claims are believed to be overcome. The Applicants respectfully request reconsideration and issuance of a Notice of Allowance for all the claims remaining in the application. Should the Examiner feel further communication would facilitate prosecution, he is urged to call the undersigned at the phone number provided below.

Respectfully Submitted,

/Chadwick A. Jackson, Reg. No. 46,495/

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